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ACTUALITÉS REPORT

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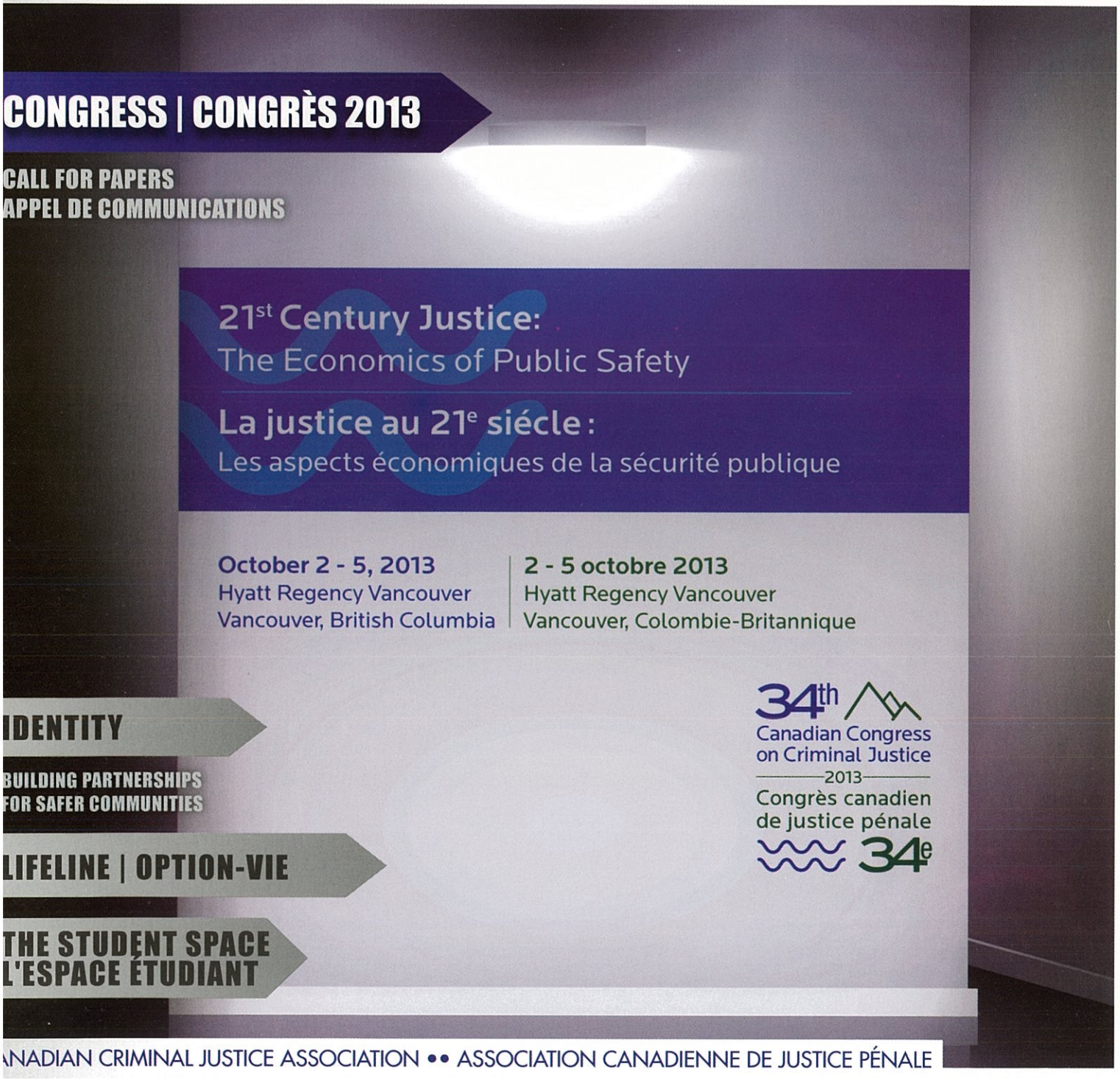

ANADIAN CRIMINAL JUSTICE ASSOCIATION •• ASSOCIATION CANADIENNE DE JUSTICE PÉNALE

JUSTICE
ACTUALITÉS REPORT

Volume 27 No. / N° 3

The **JUSTICE REPORT** contains information of value to Association readers and the public interested in matters related to the administration of justice in Canada. Opinions expressed in this publication do not necessarily reflect the Association's views, but are included to encourage reflection and action on the criminal justice system throughout Canada. For more information on the activities of the CCJA, please contact: •• L'**ACTUALITÉS-JUSTICE** renferme des renseignements utiles aux lecteurs de l'Association et au public qui s'intéressent aux questions relatives à l'administration de la justice au Canada. Les opinions qui sont exprimées ne reflètent pas nécessairement les vues de l'Association, mais y figurent afin d'encourager à réfléchir et à agir sur la justice pénale dans tout le Canada. Pour obtenir de plus amples renseignements sur les activités de l'Association, veuillez communiquer avec :

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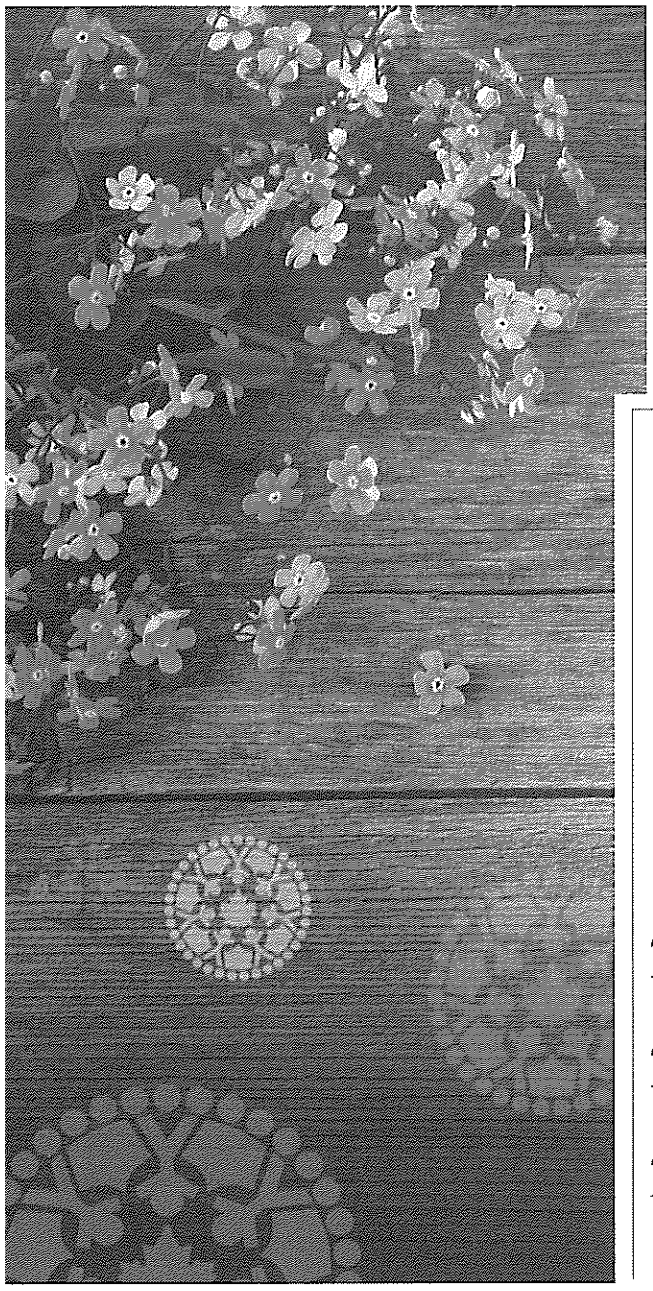

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POLITICS AND POLICIES

BY IRVING KULIK,
CCJA EXECUTIVE DIRECTOR

The Mission of the Canadian Criminal Justice Association states that we "...encourage rational, informed and responsible research, study and the sharing of information in order to enhance the development of a humane, equitable and effective criminal justice system in Canada". This is a role we have carried out for most of our 93 years of existence. We do this through this *Justice Report*, the *Canadian Journal of Criminology and Criminal Justice* and other topic-specific publications. We also encourage research and the sharing of research results through our biennial Criminal Justice Congress, the next one to take place in Vancouver in October 2013.

We strive for an equitable and effective criminal justice system by reviewing draft government legislation and providing comments, advice and recommendations to Ministers and Parliamentary Committees. This we have done consistently for over half a century. As an example, the first policy brief on my bookshelf dates from 1956 and regards the *Juvenile Delinquents Act*. Since then we have provided input or briefs on every draft bill to be raised in the House of Commons and Senate that has a criminal justice component. As an association, this is our most important function.

Reviewing draft government legislation is taken very seriously by our Policy Review Committee and our entire Board of Directors. No brief is sent out until there is consensus at all levels. And consensus does not happen without serious discussion and often spirited debate among members. Our Board includes representatives from each of the provinces who may represent various viewpoints. In order for a decision to be reached, a policy brief must be well researched, articulated and balanced. As a consequence, many Directors feel frustrated when our "advice" is ignored. We may question our reason for being when government is intent on following ideology and politics rather than good policy advice.

It is generally considered that the current government is not amenable to studied input because of its ideological leanings. In fact, as I perused the briefs we have submitted over the years, I discovered that each government, irrespective of its ideological leanings, had its own political interests at heart before applying any policy advice. In other words, no matter how studied, researched and logical policy advice might be, political considerations come first. This is neither surprising nor inappropriate in a democracy. Political parties have a platform and people vote and select among them. In an ideal model, the elected implement that which they promised. In reality, they implement that which is doable.

Associations, interest groups and individual citizens try to influence the government's agenda, some with success, others not. In this context we need not feel frustrated that our advice is not heeded immediately. It has probably never been acted upon immediately. It is however received and is given some consideration. Over the course of time, ideas that are presented at one point may be implemented much later. At the Canadian Criminal Justice Association our objective is to provide advice and be heard, but we should not get frustrated if our advice, no matter how well studied, does not appear to be acted upon today. We have been around for close to a century and we have frequently observed how good ideas still retain their value and are pursued years later. After all, we are in it for the long run.

Correction: In my previous editorial I noted that in the 1930's the US introduced prohibition. As was pointed out by a sharp reader, this was incorrect. Prohibition began in 1919 and ended officially in 1933.

DES POLITIQUES PUBLIQUES ET DE LA POLITIQUE

PAR IRVING KULIK,
DIRECTEUR GÉNÉRAL, ACJP

En vertu de son *Énoncé de mission*, l'Association canadienne de justice pénale devrait « ... **contribuer de manière crédible à la réalisation de recherches scientifiques et d'études cohérentes, éclairées et responsables, de même qu'au partage de renseignements visant l'amélioration et le développement d'un système de justice pénale canadien plus humain, équitable et efficace** ». C'est le rôle dont nous nous sommes acquittés au cours de la plus grande partie de nos 93 années d'existence, tant par le truchement d'*Actualités-Justice*, que de la *Revue canadienne de criminologie et de justice pénale*, que nos autres publications à thème particulier. Nous encourageons aussi la recherche et le partage des résultats de recherche dans le cadre de nos congrès biennaux, dont le prochain se tiendra à Vancouver en octobre 2013.

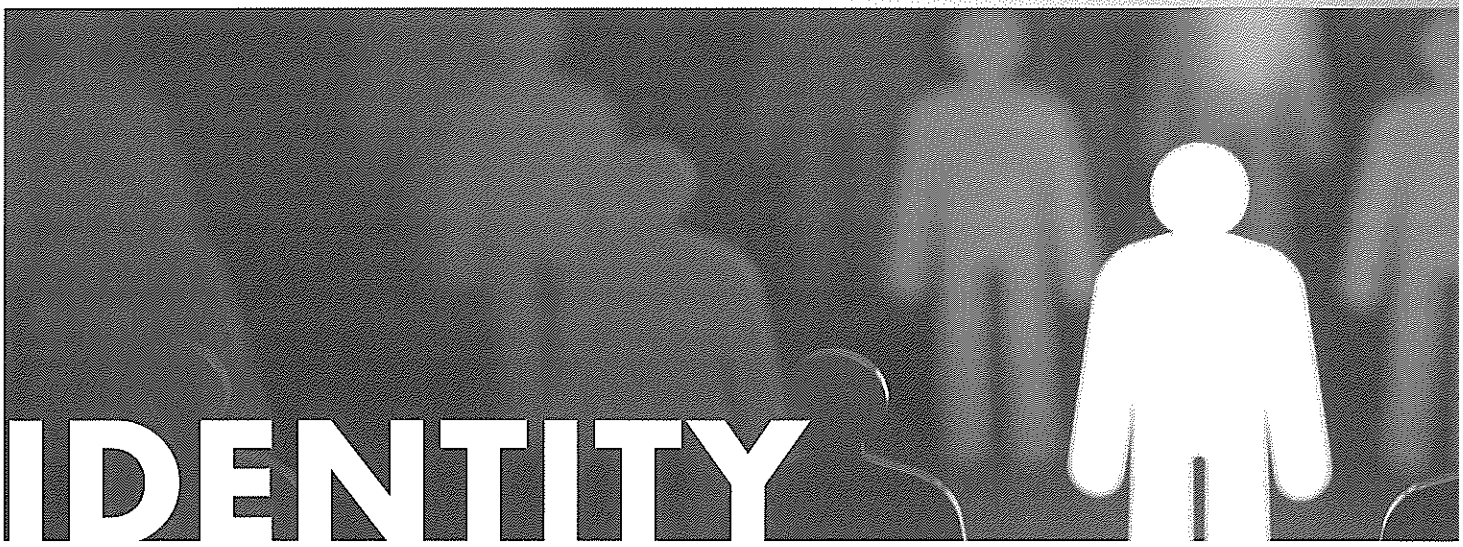
Nous nous efforçons de contribuer à un système de justice pénale équitable et efficace en procédant à l'analyse de projets de loi et en formulant des commentaires, des avis et des recommandations aux ministres et comités parlementaires concernés. Ce rôle, nous le jouons de manière continue depuis plus d'un demi-siècle. À titre d'exemple, notre premier mémoire en matière de politiques remonte à 1956 et avait trait à la *Loi sur les jeunes délinquants*. Nous avons depuis lors réagi ou produit un mémoire en lien avec tous les projets de loi présentés à la Chambre des communes et au Sénat et comportant une dimension de justice pénale. Il s'agit là de notre rôle le plus important en tant qu'association.

L'examen de projets de loi s'avère une tâche considérée comme très sérieuse par notre Comité d'examen des politiques et l'ensemble de notre conseil d'administration. Aucun mémoire n'est soumis avant qu'on soit parvenu à un consensus à tous les niveaux. Et tout consensus résulte des discussions sérieuses et souvent animées entre les membres. Notre Conseil inclut des représentants de chacune des provinces, qui peuvent avoir des opinions différentes. Pour parvenir à une décision, un mémoire doit avoir fait l'objet d'une recherche sérieuse, être bien structuré et équilibré. De ce fait, bon nombre de nos administrateurs se sentent frustrés lorsqu'on « fait fi de nos avis ». Nous pourrions nous interroger sur notre raison d'être quand le gouvernement semble résolu à se laisser guider par son idéologie et des considérations politiques plutôt que par des avis éclairés en matière de politique publique.

Il est généralement convenu que les penchants idéologiques du gouvernement actuel sont tels qu'il n'est pas disposé à tenir compte d'avis s'appuyant sur des études. En fait, en revoyant les différents mémoires que nous avons produits au fil des ans, j'ai constaté que tous les gouvernements veillaient d'abord à leurs propres intérêts politiques avant de tenir compte des avis formulés en matière de politique publique, et ce, quels que soient leurs penchants idéologiques. Autrement dit, les considérations politiques tiennent le haut du pavé, si approfondi, fouillé et logique que puisse être un avis en matière de politique publique. Cela n'est ni surprenant ni inapproprié en démocratie. Les partis politiques ont des plateformes qui servent à orienter le choix des électeurs. Dans un monde idéal, les élus mettraient en œuvre ce qu'ils ont promis. Dans la réalité, ils mettent en œuvre ce qui est réalisable.

Certaines associations, des groupes d'intérêt et des citoyens tentent tant bien que mal d'influer sur le programme d'action du gouvernement. Dans un tel contexte, il ne faut pas se sentir frustré, si l'on ne tient pas compte sur-le-champ des avis formulés. Il n'est probablement jamais arrivé qu'on le fasse immédiatement. Ces avis sont toutefois reçus et pris en considération. Avec le temps, certains avis formulés à un moment précis seront peut-être mis en œuvre beaucoup plus tard. L'objectif de l'Association canadienne de justice pénale est de fournir des avis et d'être entendue, mais il ne faudrait pas être frustrés si nos avis, si approfondis soient-ils, ne sont pas mis en œuvre le jour même. Nous existons depuis près d'un siècle et, comme nous l'avons souvent constaté, de bonnes idées demeurent de bonnes idées et sont parfois adoptées des années plus tard. Après tout, nous sommes là pour rester.

Erratum : Dans mon dernier éditorial, je soulignais que les États-Unis avaient établi la prohibition dans les années 1930. Un lecteur averti m'a informé que cela était inexact. En fait, la prohibition a débuté en 1919 et a pris fin officiellement en 1933.



IDENTITY

BUILDING PARTNERSHIPS FOR SAFER COMMUNITIES

BY HIRSCH GREENBERG, B.A. / M.S.W.

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** This article is a version of a presentation made by the author at the **A Call to Action: Building Partnerships for Safer Communities Justice Symposium in Regina**, SK in May 2012.*

My father once said, around a kitchen conversation with my uncle (a Montreal police superintendent), that if I were ever to be incarcerated he would be camping outside the jail! He didn't tell me not to commit a crime; he told me how it would affect him. This had a moral lesson that went far beyond telling me I would be in trouble with my uncle and created an identity that I have passed on to my children.

Today, with 30 years of field experience in crisis intervention, child protective services, and teaching justice, this understanding of identity and relationships has helped me recognize the significance of developing inter-professional relationships and strategies to better deliver services at a community level. To do so, there is a need to create a vision for safer communities by building sustainable partnerships for practice. Vision and commitment among and between professionals, organizations and community are essential relationships to bring about change; a vision devoid of such relationships is paramount to navel gazing, while a relationship without a vision is bound to be directionless!

I take up the notion of identity to capture the link between crime and community and between professionalism and collaboration. Identity helps us understand how we think of crime, its consequences and strategies for intervention.We need to identify with those who commit crimes as part of our community. We must see each as a human being, deserving of respect and dignity.

The spirit of what I am getting at is best expressed through two stories. The first is about transforming our understanding from a crime identity to a community identity, of changing our perception of crime to make a difference. The second story relates to a shift from professional ownership of the crime problem to professionals sharing responsibility or collaborating.

A SHIFT IN IDENTITY

I once led a group of inner-city elementary school youth in a program called Peace-Keepers. This program was a collaborative effort with the school, the school board, parents, the University, the Regina Urban Aboriginal Strategy, Regina Alternative Measures Program and the Saskatchewan Wildlife Federation's Archery in Schools Program.

The first of my stories unfolded one day as I was walking down the primary school hallway and saw an 11 year-old boy shaking a younger boy by the shoulders. The younger boy's head was being whipped back and forth, causing it to hit a cardboard box behind him. When I asked the 11-year old what he was doing he said "Nothing!" I responded with the obvious, "You **were** doing something; I'm just asking what it was you were doing." The younger of the boys confirmed, "We weren't doing nothing!" I asked the older boy to meet me in the lunchroom where I then asked him again what he was doing, and this time he said, "What do you want to hear?" I realized that for him, he had been doing 'nothing'; violence

was a normal part of his behaviours when playing. That was his identity.

Typically there is a zero tolerance for bullying, yet this doesn't inform us about what to do, which is to stand witness; and this means identify with the offender and the victim and their lived experiences. This shift in identification, and thus identity, moves us from the narrow definition of crime control, by way of zero-tolerance policies, toward interventions that understand and encompass the broader nature of crime and include prevention, community and partnerships as pillars of practice and inclusion.

In the USA, Chief Justice Robert Yazzie, a Navajo explains it this way: a shift in identity from that of an offender to someone lacking a circle of relationships. What is an offender? It is someone who shows little regard for right relationships. That person has little respect for others. The Navajo's say of such a person, "He acts as if he has no relatives." So, what do you do when someone acts as if they have no relatives? You bring in the relatives! (Yazzi, N.D.).

PROFESSIONAL OWNERSHIP VS. COLLABORATION

My second story reflects on moving our thinking and practice from professional ownership and siloed interventions to a more collaborative approach. I was involved in a program in the 1980's that was responsive to the most difficult to manage clients in the City of Regina. This program arose from a complaint that was raised by the Saskatchewan Police Commission about individuals with mental health problems defaulting to the police for service. The complaint was raised with the Mental Health Services Branch of Saskatchewan Health (circa 1980s). These clients were in constant conflict with the law, were violent and/or victims of violence, had mental health problems, substance-abuse issues and numerous medical-related illnesses.

When we surveyed many of the human service providers in the city including government and community-based organizations and asked them who was responsible for these so called difficult to manage folks and who should be responsible, almost unanimously the responses we received were, "Our organization is responsible, but it really should be someone else"; the person is not bad, he's mad, or the person is not crazy, he's a criminal."

CASE MANAGEMENT: A COMPREHENSIVE MODEL

The program we created was the first attempt at a comprehensive case management model in the city. Case management is defined as "a collaborative process of assessment, planning, facilitation and advocacy for options and services to meet individuals' holistic needs through communication and available resources to promote cost-effective outcomes" (Case Management Society of Australia, 2008). The project was implemented by a community-based organization, Mobile Crisis Services, and had the support of Social Services, the Regina City Police, the hospital emergency rooms and psychiatry, the courts, and of course the Mental Health Services Branch.

We were able to provide 24/7 coverage to our clients AND support to those organizations (e.g. police, hospitals, courts, etc...) encountering our clients. There was a planned approach for each client of which organizations were aware and in which they played a role. Organizations were still siloed; there were now bridges between them.

The province of Saskatchewan has a rich tradition of cooperation and volunteerism. Yet, creating the space and place that will engage justice partnerships can be difficult, so much so that we forget that crime is more than a rule breaking of the Criminal Code, it involves and affects individuals, families, neighbourhoods and communities, offenders and victims and their families alike.

The building of partnerships across organizational sectors that include professionals, government, and community-based organizations, service clubs, and businesses, the basic and organic elements that mold a community, is necessary for the creation of effective strategies. Community leaders, businesses, and elected officials should be encouraged to become champions in the creation of a safer neighbourhood identity.

Partnerships must be formed at all levels. In dealing with their gang problem in Cincinnati, Ohio, this community endorsed a three-level strategy: they created a group of barrier busters - a committee to deal with policy changes; a second tier that was holder of the strategy or vision; and a third tier of implementers or service providers. Within a model, horizontal- as well as vertical-communication pathways were created. The service providers received support from the barrier busters and keepers of the vision, and the service providers provided information.

It is important to focus on creative solutions rather than recipes and apply an informed eclecticism to what works rather than relying on 'fixed' models; find the face of crime

in your community and address specific problems rather than symptoms. Have a common script – action plans, including communication strategies across human service jurisdictions agree on the problem first and then the solution; define outcomes and revisit them often. Integrate central and decentralized approaches – government support (not governance), community-based organizations and private sector partnerships; integrate practice with solutions and test for outcomes, celebrate successes and revise strategies that don't work. Value an aesthetic approach.

COMMUNITY SAFETY & A CIRCLE OF RELATIONSHIPS

I've chosen the theme of Identity because it creates the space and place to develop the circle of relationships, leadership, and champions across our human service jurisdictions, whether these be part of law enforcement, social services, health, or education. This "new identity... is no longer conceived of as the sole duty of the professional police officer or other criminal justice agents" (Crawford, 1997:25). "Whereas crime prevention tends to operate in the narrow and specialised field of opportunity reduction" (Clarke 1995), community safety approaches the problem of crime from a much wider perspective. Rather than seek to introduce interventions solely designed to affect crime or criminality, community safety operates from a position that endorses the view that crime is part of a range of related social problems. As such community safety asserts that crime can only be dealt with by addressing other social problems within a particular area (Green, 2009:43-44).

Identity lends us the opportunity to shift our thinking from crime to community models and from professionally fragmented interventions to more collaborative approaches. I have never heard an argument against the support for safer communities or for partnerships. Is having safer communities not a given? Are partnerships not desirable? These questions seem rhetorical, self-evident; yet, despite some of our best efforts, the responses to crime appear, in some communities, ineffective and fragmented. The second element of identity I presented above is in the forming of partnerships and then taking action. Let us learn from our ancestors, "who gathered in a circle around a fire, just as families gather around the kitchen table today. Long before we delegated our conflicts to experts, we came together in ancient peacekeeping spaces to work through our differences and to make decisions toward the common good" (Pranis, Stuart & Wedge, 2003: xiii).

As a province, Saskatchewan's crime identity is a paradox of falling or stable crime rates yet at the same time is characterized by some of the highest rates in the country for violent crimes, break and enter and motor vehicle thefts, drug offences, and impaired driving (Saskatchewan Ministry of Justice and Attorney General, 2011).

As professionals and academics, we must emerge from the expert roles in which we find ourselves, and look to the community and each other for success. On this path is a significant amount of community recognition, where the imperative is for a community to know itself and what it wants before any further action can be taken to engage.

When communities do not know what they want or are not self-aware, it becomes very easy for people to point fingers at each other (or withdraw). Harwood and Creighton describe this to be a point at which education and research can help with information going both ways: toward the professional organization and toward the community. Communities offer identities that we often miss as we focus our expertise on the symptom rather than the problem.

When looking at crime intervention in this way, we see it and understood it in terms of the social and cultural conditions that shape human relations. The search for self-identity is at the heart of how we both experience, and adapt to the conditions of our communities, and thus crime becomes a response to a range of social and cultural conditions (Green 2009).

CRIME IS NOT SOMETHING THAT BLOWS IN ON THE WIND AND PLANTS ITSELF LIKE A WEED IN OUR COMMUNITIES...

Crime is born of our communities and nurtured there either by our indifference or outrage, neither of which are effective strategies. And, people most likely to be excluded from our community identity are those who are most in need of it. As King Jr. said in 1963, "[w]e are in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all directly".

Working for a First Nations Agency, in child protective services, I saw firsthand what King was saying. Take for example residential school survivors. The lived experience of those that we forced into residential schools not only affects them as individuals, but their descendants as well, and I would argue our country collectively – through our tax dollars, are not only paying compensation to the survivors but paying as a Canadian community the deleterious effects of attempting to destroy a culture, that now engender a dance with chronic dependency (Helene, 2006): economic, social, cultural, linguistic and educational dependency.

This dependency has led to conflicts with law both internal and external to the Aboriginal communities as expressions of anomie: substance dependency, high suicide rates, and broken facilities; where a community once stands proud, gangs emerge to replace the sense of a lost identity. This story is changing as Aboriginal people gain independence and a renewed identity of who they are and who they want to become.

THE POWER OF IDENTITY

In closing, I've come to understand from my journey that change is possible, but that we can't change our tomorrow if we continue along the same path as yesterday. We need to create the space and the place for change to occur. Our practices and understanding of crime require a change from symptom-based to causal-based interventions.

I've also come to appreciate and understand that change is difficult and challenging, yet the matrix of interaction and partnerships is before us to take up. The development of an interactive / partnership matrix, the basis of a community and collaborative-response identity, would enable us to build true partnerships for safer communities; but, this will require more than a project off the side of someone's desk for true change to occur, as what is called for represents a paradigm shift in thought.

Developing community- and collaborative-response identity, I have argued, can bring together an effort embracing the building of partnerships for safer communities. Partnerships across organizational sectors are necessary for the creation of effective strategies. Community leaders, businesses, and elected officials should be encouraged to become champions in the creation of a safer neighbourhood identity.

We need to define problems in ways that affect change, from a crime to a community identity inclusive of those who present with behaviours that are harmful to others (victims; their families; and communities) and to themselves. To succeed, our practices and actions need to champion the passion for change: those working in the field professionally, governments, businesses, service clubs, community (including individual members), and others in a single collaborative effort that crosses jurisdictional boundaries and shares a common goal: Community Safety!

The power of Identity will move us to ask the right questions, creating the space and place to have the conversation, not solely among professionals, but to learn 'with, from and about each other' in inclusive ways that recognize mutuality as the business of all. When looking at crime intervention in this way, we see it and understood it in terms of the social and cultural realities that shape human relations.

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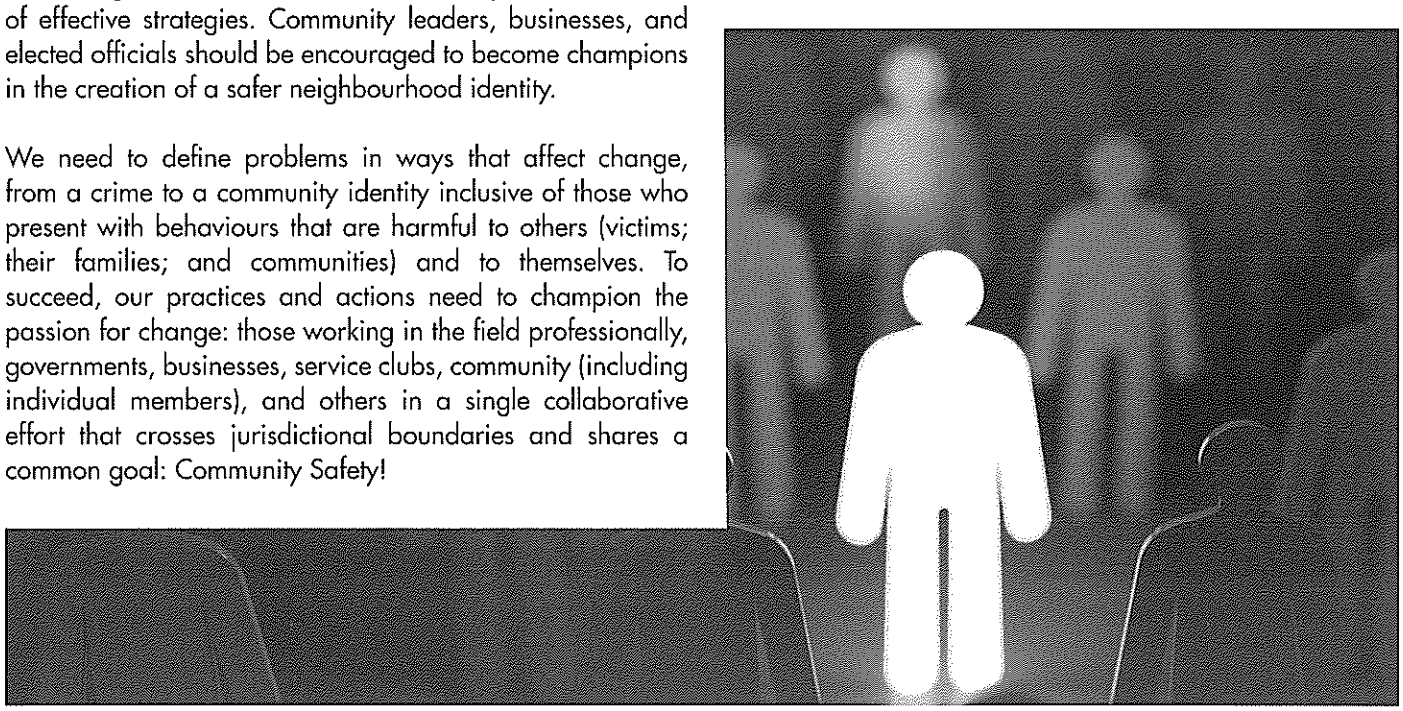


LIFELINE FILE

LIFELINE -DOWN-BUT NOT OUT

BY JOHN BRAITHWAITE, Active in corrections for over 50 years; from Correctional Officer to Deputy Commissioner of the Correctional Service of Canada

Hope and life are intertwined. Although Federal funding for LifeLine® has ended, the basic concept of LifeLine® is indestructible. It will be preserved and will flourish in the future.

Over twenty years ago, a paroled Lifer, Tom French, a diabetic, paraplegic, ex-biker - now relegated to a wheelchair, entered Millhaven Maximum Security Institution to bring a message of hope to serving lifers - and, in his words - "to keep them alive, sane and out of trouble" - at least for starters. That was the beginning of the LifeLine® Service.

It was also the beginning of a promising partnership with Federal Correctional Agencies, community based aftercare agencies and successfully reintegrated offenders. A partnership that brought hope to the growing number of Lifers inside (almost 25% of the population) - better preparation for successful re-entry and hopefully, increased protection to the community.

Through the In-Reach Worker, a successfully reintegrated offender on parole for life, an opportunity was provided to motivate inmates and marshall resources to achieve successful, supervised re-entry into the community.

The Mission is pursued through Three Key Elements:

1. THE IN REACH PROGRAM

Successful lifers, supported by a sponsoring, voluntary community-based agency, return to institutions to work with other inmate lifers - to serve as motivators, mentors and mediators.

2. COMMUNITY RESOURCES

To succeed, a lifer on parole needs community resources such as peer support, to help find and keep a job, and learn how to live in a "new" world. St. Leonard's House Windsor operates the only dedicated residential facility for newly paroled lifers. In other communities, sponsors provide needed support and residential services.

3. PUBLIC AWARENESS

In-Reach Workers play a significant role in raising public awareness of effective, humane corrections. They meet with community groups, the media and legislative committees, to talk about their experiences and "lessons learned". They also put significant emphasis on "preventive work", particularly with youth.

Success of the In-Reach Worker depends on collaboration with the community-based voluntary agencies who engage them, through a contract with the Correctional Service of Canada (CSC), providing guidance and support to the In-Reach Workers.

Over the years, LifeLine® Services became accessible in each Region to each serving Lifer inside. Some services, most notably in Quebec, were even extended to Lifers on parole in the community.

These efforts also brought well deserved national and international recognition to LifeLine®. In 1998, the American Correctional Association recognized LifeLine® as a "Program of Excellence". Subsequently, in 2002, the International Corrections

[1] Statement attributed to C.S.C. spokesperson and reported in Globe and Mail (online) April 16, 2012. [2] A Preliminary Investigation of Institutional Outcomes for LifeLine Participants Shannon Gottschal and Marsha Axford Correctional Servie of Canada - November 2010 - Page 1. [3] Gottschal and Axford - Page 9 (IBID)

and Prisons Association deemed LifeLine® a deserving recipient of their "offender management/treatment and reintegration award". National recognition came from the Canadian Criminal Justice Association, in 2012, with the presentation of its Outstanding Achievement Award.

Rene Durocher, a veteran LifeLine® worker, received the Pierre Allard Award, a C.S.C. initiative to honour the achievements of an ex-inmate.

Imitation is the greatest accolade of all and it is heartening to know that USA (Colorado), the United Kingdom Through Ways Program and the Republic of Ireland have all incorporated elements of LifeLine® into their correctional programs. All of which brought recognition and respect to Canada as a perceived leader in progressive corrections.

This recognition was not reflected in the Correctional Service of Canada commentary that accompanied the elimination of LifeLine® Funding. It was stated: "Evaluation and research findings on the LifeLine program did not reveal significant correctional results were being achieved through offenders' participation in the LifeLine program".[1]

However, the same Correctional Service of Canada research report also declared, "Despite their growing numbers, very few programs or interventions address the particular needs of lifers." "The results of this research highlight the potential benefits of the LifeLine program . . ."[2]

"Additionally, the results indicate the need for more accurate and detailed collection of quantitative data on service provision. Future research on outcomes of LifeLine participants would benefit from improved and expanded data collection."[3]

As a result, a combined initiative was undertaken to conduct another research review with improved data collection. Briefings at Correctional Service of Canada's National Headquarters, with LifeLine® sponsoring agencies and In-Reach workers, were convened but the research was never conducted. What the available research really determined was that without accurate, objective, detailed data, there is no clear analytical answer.

It is also interesting to note that the focus was on "institutional outcomes" not long range performance in the community.

The past twenty-one years of Correctional Service of Canada institutional experience has been relatively orderly and tranquil in comparison to the twenty-one years prior to 1991 - a period too often highlighted by murders of both staff and inmates, riots and hostage takings.

LifeLine® is gratified to have contributed to this more recent era of relative peace. We wish to continue to make a significant contribution and are striving to find ways and means of doing so.[4]

LifeLine® is not a company, corporation or an agency. It has no headquarters or annual conferences, it has no Board of Directors. It is twenty-eight dedicated, devoted individuals on parole for life striving to help lifer inmates become responsible productive citizens.

In my almost sixty years of active involvement in corrections, I have never known a more worthy contributing group of offenders - their efforts have made me proud to have worked with them, yet humbled by their unique contribution.

The concept they embody and the human resource they represent are invaluable. The concept and those who work to realize this singular Canadian effort must be preserved and supported. I urge each reader to send their ideas and suggestions for the continuance of LifeLine® to:

Elizabeth White, Executive Director,
St. Leonard's Society of Canada, The Bronson Centre,
211 Bronson Avenue, Suite 208, Ottawa Ontario K1R 6H5.

LifeLine® started as an idea - indeed, we were originally called the LifeLine® Concept. As an idea, as a concept, of former offenders, now responsible citizens, working with correctional staff, supported by community agencies, LifeLine® will persist as a glowing ember until the flicker becomes a flame. This tripartite alliance will be revitalized and the correctional process will, once again, be better able to not just hold, but also, help and heal.

When that happens, it will be a worthy and fitting tribute to all those In-Reach Workers, sponsors and supporters who pioneered and persisted in this great advance and adventure.

I write these words, not in anger, frustration or despair, but in hope and anticipation. The concept that LifeLine® has demonstrated is too telling, too true to be cast aside for long.

[4] As evidence of this, the St. Leonard's Societies of Hamilton, Peterborough and Windsor have mustered funds to establish a Peer Life Transition Services program to continue to offer the orientation and motivational services associated with LifeLine®.

LIFELINE FILE

WHY LIFELINE

BY ELIZABETH WHITE

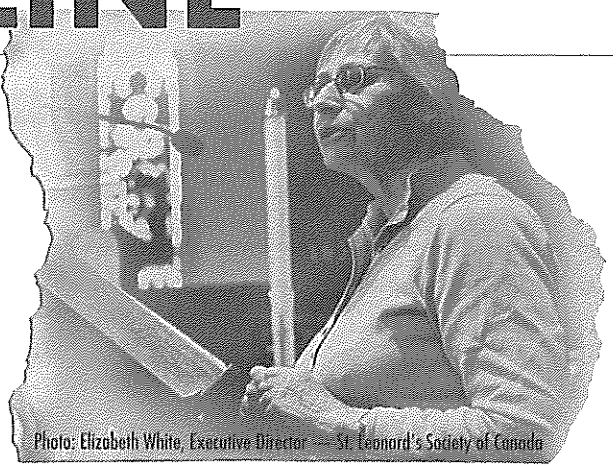


Photo: Elizabeth White, Executive Director — St. Leonard's Society of Canada

The LifeLine® In-Reach program founded by St. Leonard's House - Windsor was designed with the purpose of providing lifers with a level of support and counselling beginning at the onset of their incarceration. The services are provided through In-Reach workers who strive to develop long lasting relationships with lifers with the goal of mentoring them through each stage of their incarceration and continuing post release.

To this end, community agencies supported by Correctional Services Canada employed In-Reach Workers: life-sentenced men and women who have completed their incarceration and successfully reintegrated to the community. It is through these relationships with In-Reach Workers that the LifeLine® program shows its success. The LifeLine® program is based on a model of peer to peer mentoring between an In-Reach Worker and a life-sentenced person.

Following a different path than typical mentoring programs, LifeLine® creates a unique relationship demonstrating to the sentenced person the possibility of reaching their full potential while in prison and post release on parole. The logic behind the LifeLine® program is based around the idea that a lifer will empathize with those who are living proof of a fulfilling life behind bars as well as once released into their communities.

The goal of a LifeLine® In-Reach Worker is to inspire true hope in the sentenced person. In-Reach Workers, while serving as mentors, are responsible for guiding the incarcerated lifer through their actions and decisions. This relationship serves to guide the lifer and lead them in a path towards rehabilitation and reintegration within their communities. It helps to move the focus from a prison-only future to one that envisions the potential to lead a fulfilling life while incarcerated or on parole.

In-Reach Workers are an essential part of this process as they serve as and provide the support necessary for the lifer to sustain positive hope of a fulfilling life during incarceration and on parole. LifeLine® is not only concerned with developing a relationship with the lifer throughout their incarceration and parole, but is also an intermediary between the lifer and their family by helping their family deal with the emotional challenges that can come with having an incarcerated loved one.

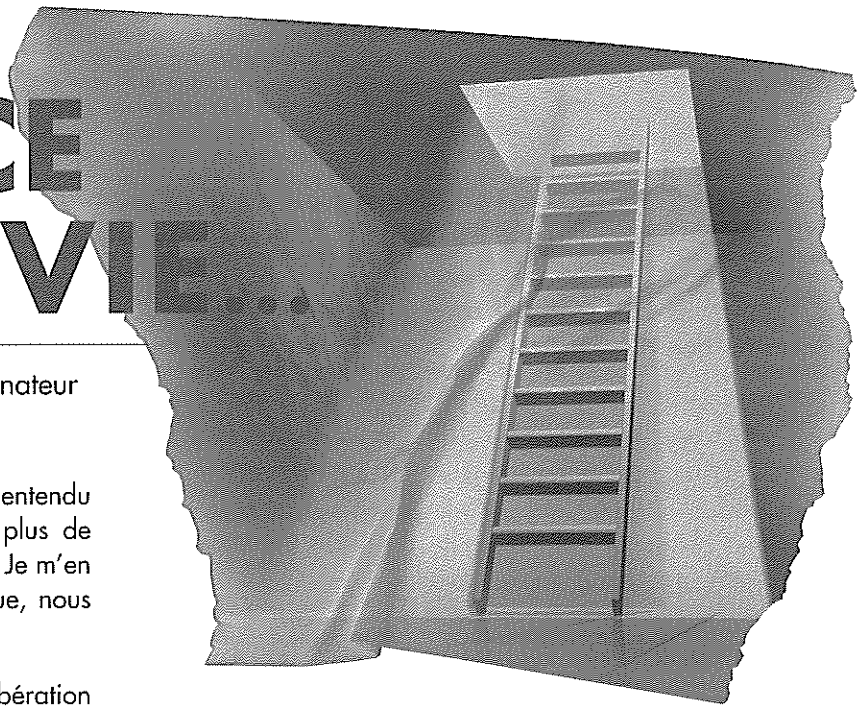
In addition to counselling and mentor services, LifeLine® successfully encourages lifers to enroll in various education-based programs. The goal behind offering education to lifers is the development of sustainable skills upon release in attempt to prevent the lifer from reoffending or violating parole. Many of our LifeLine® participants serve post release as community figures, using their experiences behind bars to advocate for various criminal justice issues as well as work within their communities focusing on at-risk youth.

Participants in LifeLine® have collectively completed educational training in the follow fields:

- **Multiple university degrees**
- **Yoga instruction certificates**
- **Drug and alcohol abuse counselling**
- **Suicide prevention training**
- **Mediation training**
- **Anger management counselling**

DOSSIER OPTION-VIE

LE SERVICE OPTION-VIE...



PAR MICHEL DUNN, Intervenant-Accompagnateur

Jamais je n'aurais cru la chose possible. Jamais entendu parler de ce projet, qui existait pourtant depuis plus de cinq ans dans les régions anglophones du Canada. Je m'en souviens comme si c'était hier, même si, à l'époque, nous glissions lentement vers le printemps de 1998.

Un simple coup de téléphone de mon agent de libération conditionnelle : « Bla, bla... On m'a parlé d'un travail qui pourrait peut-être t'intéresser. Bla, bla... Lifeline, un service d'accompagnement pour les détenus condamnés à perpétuité... Tu retournerais dans les pénitenciers pour encourager les gars... prendre un café avec eux... jaser... essayer de les motiver à s'engager positivement dans la poursuite de leur sentence... Je voudrais soumettre ton nom. Qu'en penses-tu ? »

Ouahhhh ! Moi, retourner en prison ? Après toutes ces années – dix-sept années en fait, suite à une condamnation pour meurtre au deuxième degré – pas certain !

Sans trop savoir dans quoi je m'engageais vraiment, poussé davantage par l'intuition que par l'analyse, j'ai dit OUI !

Quelques mois plus tard, en septembre 1998, au terme d'un rigoureux processus de sélection, je suis devenu le premier intervenant-accompagnateur du Service Option-Vie pour la région du Québec.

Deux jours avant mon entrée officielle dans un établissement à sécurité minimale, on m'avise que je ne dois pas me présenter parce que les agents correctionnels vont faire la grève si je pointe ne fut-ce que le bout de mon nez. Quel accueil !

Un mois plus tard, après quelques modifications au plan initial, je débute enfin dans un autre établissement, à sécurité médium celui-là, et je commence tout doucement mon adaptation à ce nouveau travail auquel, à mon grand étonnement, je prends rapidement beaucoup de plaisir. Malheureusement, au bout de trois semaines, le directeur de l'établissement m'avise que je dois quitter l'établissement pour de bon car les agents correctionnels ont menacé de faire un « sit-in » dans la grande cour de l'établissement si je ne quitte pas l'enceinte sur-le-champ.

Les choses s'améliorent...

Une troisième tentative dans un autre établissement s'est rapidement soldée par un autre cuisant échec : expulsé en moins de 30 minutes. Où aller quand même la prison ne veut plus de vous ?

Un véritable cauchemar ! Quand je pense qu'il m'a fallu plus de dix-sept ans pour sortir enfin de prison... et voilà que maintenant je n'arrive plus à y entrer ! C'est vraiment le monde à l'envers.

Que faire ? Après un instant de découragement pendant lequel j'ai failli tout lâcher, je me suis assis avec Monsieur Gagnon, mon employeur, et nous avons essayé de comprendre ce qui se passait afin de voir s'il y avait une solution à cette épidémie de rejet.

Je me dois ici de souligner deux grandes qualités chez Monsieur Gagnon : la compréhension et la ténacité. Il aurait eu tous les droits d'abandonner devant pareille succession

**The views presented in this paper are the author's and are not necessarily those of the CCJA*

d'embûches. À tout le moins, il aurait pu m'abandonner, moi, et essayer avec quelqu'un d'autre... Michel Gagnon n'est pas ce genre d'homme.

Hors de question que je sois viré ! Il a plutôt décidé de m'affecter au secteur communautaire où j'ai commencé à travailler auprès des condamnés à perpétuité en semi-liberté et en libération conditionnelle totale. Sans en être conscients, nous devenions ainsi la première équipe d'intervenants à offrir officiellement des services dans la communauté (quelques années plus tard, nous allions réaliser combien il était important d'accompagner nos clients au moment du retour dans la communauté).

Non content de cela, Monsieur Gagnon, qui au départ s'était vu octroyer des fonds pour un seul poste d'intervenant, prit contact avec les autorités des différents pénitenciers, qui m'avaient si cavalièrement rejeté, pour leur expliquer qu'il avait l'obligation de fournir les services d'un intervenant-accompagnateur dans leurs établissements respectifs, et qu'il devrait rendre des comptes s'il ne s'acquittait pas de cette obligation.

« Bien sûr, bien sûr ! dirent-ils tous en chœur. N'importe qui... sauf Michel Dunn. »

Et c'est ainsi que le contrat pour un deuxième intervenant est arrivé plus rapidement. Et le troisième, encore plus rapidement. Et ainsi de suite...

Dix ans après nos débuts, plutôt difficiles, et en considérant que nous avions été les derniers à joindre les rangs de la grande famille Option-Vie, nous disposions de la plus grosse équipe d'intervenants au pays et nous étions les seuls à offrir officiellement des services dans la communauté.

De mon côté, ils avaient fini par avoir moins peur de moi et j'étais maintenant accepté dans tous les établissements sauf un. Il est clair que nous avions parcouru un long chemin depuis nos débuts.

À bien y penser, cependant, il était un peu normal que certains intervenants du Service correctionnel réagissent négativement à notre arrivée. Après tout, nous étions ces mêmes criminels qu'ils avaient gardés pendant des années... Nous étions l'autre race... Il ne fallait pas nous faire confiance, jamais. C'est un peu cela qu'on leur inculquait au fil des années. Et voilà que, maintenant, avec ce nouveau projet d'intervenant-accompagnateur, nous allions travailler en collaboration avec eux, dans une forme de partenariat... Pour certains, un tel concept était tout simplement inconcevable et seul le temps pourrait les rallier à notre cause.

De notre côté, nous voulions leur faire comprendre que nous étions leurs meilleures réussites et qu'ils devraient être heureux de constater que leurs efforts au niveau de la réhabilitation – le but ultime de leur engagement au sein du Service correctionnel – donnaient de si bons résultats. Nous étions la preuve vivante qu'ils pouvaient croire dans la Mission du Service correctionnel canadien.

Comme nous étions les postulants à l'intégration, il nous incombait de prendre notre mal en patience et de faire nos preuves. Il nous a donc fallu démontrer concrètement que nous pouvions être utiles dans le cheminement positif des condamnés à perpétuité, tout en adoptant un code de conduite irréprochable dans la conduite de nos affaires. Ils nous ont observés longtemps. Ils ont testé notre patience, notre compétence, nos allégeances... et finalement, ils ont réalisé que nous étions dignes de confiance et que notre seule motivation consistait à mieux protéger la société en aidant nos clients à devenir de meilleures personnes et, éventuellement, de meilleurs citoyens.

La collaboration s'est installée tout doucement. Ils ont commencé à voir les situations où nous pouvions être utiles et requis notre assistance de plus en plus souvent. Nous sommes devenus, et c'est exactement ce que nous voulions, une de leurs meilleures ressources. Ils ont surtout constaté que nous avions un impact positif dans la vie des condamnés à perpétuité, parce que, comme eux, nous avions commis l'irréparable... comme eux, nous avions connu l'incarcération à perpétuité... et comme ils le souhaitaient tous, nous avions réussi à retourner au sein de la société après avoir réglé nos problèmes et rétabli l'équilibre dans nos vies. Oui, nous avions travaillé fort pour y parvenir. Oui, ils devraient en faire autant pour espérer retourner un jour dans la communauté. Nous étions un peu la lumière au bout du tunnel, la preuve que c'était possible pour eux aussi. Nous étions l'espoir. Et Dieu sait à quel point l'espoir est rare dans l'enceinte d'une prison.

Partis d'un vague concept de pair aidant, nous avons, au fil des années, développé une solide expertise qui nous a permis d'atteindre un haut niveau de professionnalisme. Nous étions loin de la rencontre sociale autour d'un café, nous étions plongés au cœur de l'intervention. Une fois connues les attentes des professionnels du Service correctionnel envers nos clients, nous devenions de puissants agents de changement auprès de ces derniers. Nous les motivions, nous les encouragions, nous les supportions. Nous avions cette capacité d'entrer véritablement en relation avec eux pour les amener à s'améliorer sans jamais souscrire aux travers qui, parfois, pouvaient se manifester chez certains qui n'étaient pas encore prêts à faire le choix primordial du changement. Au moment opportun, nous pouvions même

les confronter vigoureusement sans mettre en péril la relation d'aide car tous avaient réalisé avec le temps que nous étions là pour les aider à prendre les bonnes décisions... pas les mauvaises, pas celles qui les avaient conduits en prison après avoir créé de terribles souffrances autour d'eux.

C'est cela que nous faisions. Et nous le faisions bien.

Comme tous mes collègues, j'ai adoré ce travail, ou plutôt cette mission. Parce que c'était bien plus qu'un travail. C'était notre façon de payer dans la joie une dette impayable envers la communauté (humanité) que nous avions blessée si cruellement dans notre passé. C'est pour cela que nous n'avons jamais compté les heures, que ce soit pendant le jour, le soir ou les fins de semaine. Nous voulions aider, et ceux qui ont besoin d'aide ne se demandent pas s'ils sont à l'intérieur des heures ouvrables. Ils crient et ils espèrent de l'aide. Nous étions là.
Il y aurait encore tant de choses à dire sur le Service Option-Vie, mais le temps nous manque car il disparaît à la fin du mois d'août 2012. Je vais donc prendre les quelques instants qui restent pour vous parler de l'essentiel.

Je m'en voudrais de partir sans remercier tous les membres de la Commission canadienne des libérations conditionnelles pour le solide appui et la confiance indéfectible qu'ils nous ont témoignés au cours des quinze dernières années. Ce fut pour nous un privilège de travailler avec des gens aussi compétents et intègres.

Que dire également de tous les intervenants du Service correctionnel canadien, certains plus que d'autres, qui ont cru en notre projet et nous ont permis de faire notre travail dans les meilleures conditions possibles. Il était bien certain que nous ne pourrions jamais faire l'unanimité au sein du personnel, mais la voix de nos alliés était si forte que nous entendions à peine le murmure des récalcitrants.

Et pour conclure, le mot de la fin sera pour tous les condamnés à perpétuité que nous avons eu l'honneur de servir durant ces belles années. À tous ceux que nous avons déjà accompagnés sur le chemin de la liberté, je leur dirai merci de nous avoir autorisés à être les témoins privilégiés de leur transformation et de leur retour au sein de la communauté. Aux autres, qui sont encore dans le circuit, je leur dirai de garder bien présent dans leur esprit la certitude qu'ils peuvent s'en sortir s'ils le veulent et s'ils acceptent d'y mettre les efforts nécessaires.

Heureusement, nous leur avons laissé une partie de nous-mêmes avant de partir: la Stratégie en matière de ressources destinées aux condamnés à perpétuité qui se résume en quinze modules expliquant le chemin à parcourir pour passer de la mort à la vie. Tout est là, noir sur blanc.

In this spirited article, Michel Dunn (ex-lawyer, ex-lifer) delivers an anecdotal recollection of his involvement as Quebec's first In-Reach worker under the now-discontinued Option-Vie (LifeLine®) program. When Dunn was first asked to apply, the idea of going back to prison was hard to swallow, but he said YES! Unfortunately, the thought of his return proved equally hard on institutional staff. Dunn's first assignment was cancelled under threat of staff strike, his second was thwarted by a potential staff sit-in, and he was expelled from his third after only 30 minutes... It had taken Dunn 17 years to get out of prison, and he was no longer welcome! Thanks to the tenacity of his employer Michel Gagnon, however, additional In-Reach workers were hired and Dunn was delegated to work with ex-lifers living on full or partial parole in the community. Born of a vague peer-counselling concept, the Option-Vie (LifeLine®) program developed sound expertise and institutional cooperation also came about in due time, as staff came to have faith in the service. Within ten years, Gagnon's became the largest team in Canada and the only one offering community-level services. Dunn notes that Option-Vie (LifeLine®) leaves current lifers with its multi-module entitled "Lifer Resource Strategy", and he wishes to thank the Parole Board of Canada, Correctional Service of Canada staff and the ex-lifers... Option-Vie's (LifeLine®) success stories.

Canadian Criminal Justice Association
Association canadienne de justice pénale

British Columbia Criminal Justice Association
Association de justice pénale de la Colombie-Britannique

CALL FOR PAPERS
APPEL DE COMMUNICATIONS

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34th Canadian Congress on Criminal Justice
2013
Congrès canandien de justice pénale 34e

You are cordially invited to submit an abstract for a presentation at the 2013 Congress under the theme:

Vous êtes cordialement invités à présenter une proposition de communication dans le cadre du Congrès 2013 sous le thème suivant :

21st Century Justice:
The Economics of Public Safety

La justice du 21e siècle :
Les aspects économiques de la sécurité publique

This event is being organized by the Canadian Criminal Justice Association and the British Columbia Criminal Justice Association and will be held from October 2 to 5, 2013, at the Hyatt Regency Vancouver, in beautiful downtown Vancouver, British Columbia.

Cet événement, organisé par l'Association canadienne de justice pénale et l'Association de justice pénale de la Colombie-Britannique, se tiendra du 2 au 5 octobre 2013 à l'Hôtel Hyatt Regency Vancouver au centre-ville de Vancouver, Colombie-Britannique.

Sub-themes and possible topics of presentation include:
Sous-thèmes et sujets d'exposés possibles :

RESPONDING TO CIVIL UNREST COMMENT RÉAGIR À L'AGITATION SOCIALE

Over the course of the last few years we have seen the growth of widespread civil unrest including serious incidents in Toronto, Vancouver, and Montreal, as well the "occupancy" phenomenon across North America. Will this phenomenon continue? How should the justice system respond? Topics could include:

Nous avons été témoins au cours des dernières années d'une vague croissante d'agitation sociale qui s'est traduite par des incidents graves à Toronto, Montréal et Vancouver, de même que par le phénomène d'occupation qui s'est répandu en Amérique du Nord. Ce phénomène va-t-il perdurer? Comment le système de justice devrait-il réagir? Différents sujets pourraient être abordés sous ce thème :

- **Eurozone disintegration, effect on public order and safety, carry over to North America**
  La désintégration de la zone euro, ses incidences sur l'ordre et la sécurité publics, ses prolongements en Amérique du Nord
- **The "Occupy Movement"** Le mouvement d'occupation
- **G-20 and Stanley Cup rioting, justice system response this time, and the next time...?**
  Les émeutes liées au G-20 et à la coupe Stanley, la réaction du système de justice à cette occasion ... et la prochaine fois?
- **The growth and influence of gangs/readily visible organized crime**
  La prolifération et l'influence des gangs de rue, une forme de crime organisé facilement observable
- **Aboriginal blockades, treaty negotiation and disputes**
  Les barricades autochtones, les négociations de traités et les querelles qui s'y rattachent

CRIME AND PUNISHMENT CRIME ET CHÂTIMENT

Potential content might include: Sous-thèmes et sujets d'exposés possibles :

- **Redefining crime as a factor of economic circumstances/necessity**
  Redéfinir la criminalité en tant que résultante de conditions économiques ou d'une nécessité
- **Systemic restructuring/cooperation "between the silos"**
  La restructuration ou la coopération systémique entre les silos
- **Changing Ideologies - deterrence or denunciation?**
  Des idéologies en évolution : penser dissuasion ou dénonciation?
- **Changing Ideologies - least restrictive response vs. proportional response**
  Des idéologies en évolution : faut-il favoriser l'approche la moins restrictive ou une approche proportionnelle à la gravité de l'infraction?
- **Statistical realities** La réalité dépeinte par les statistiques
- **Crime reporting vs under-reporting** La déclaration et la sous-déclaration de criminalité
- **Public notifications as shaming/additional punishment/ public safety?**
  Les avis à la population axés sur la honte constituent-ils une peine supplémentaire ou une mesure de sécurité publique?
- **New economics service delivery models - government, NGOs, for-profit, public/ private partnerships, emerging options** La prestation de services dans le cadre de la nouvelle économie : les approches des gouvernements, des ONG, des organismes à but lucratif, les partenariats public/privé (PPP), les options émergentes
- **The aging prison population** Le vieillissement de la population carcérale
- **The challenges of rising mental health issues in criminal justice**
  Les difficultés que posent les problèmes de santé mentale croissants dans le système de justice pénale

SOCIAL JUSTICE JUSTICE SOCIALE

The social, cultural and financial dynamics that form the milieu in which the justice system will operate going forward. Topics could include:

Un aperçu des composantes sociales, culturelles et financières du milieu dans lequel le système de justice évoluera désormais. Sous-thèmes et sujets d'exposés possibles :

- **The economics of prohibition** Les considérations économiques liées à la prohibition
- **Insite - Vancouver's safe injection site** *Insite* – le site d'injection supervisé de Vancouver
- **Investment options - growing public debt, a graying population, the demands of health, education, leisure and the arts** Les facteurs ayant une influence sur les options d'investissements : une dette publique croissante, une population vieillissante, les demandes afférentes à la santé, l'éducation, aux loisirs et aux arts
- **Responding to emotionally disturbed persons in conflict with the law (e.g. Braidwood Inquiry)**
  Comment réagir aux personnes perturbées émotionnellement aux prises avec la justice (p. ex. l'enquête Braidwood)
- **Missing Women's Task Force (responding to Pickton)**
  Le Groupe de travail sur les femmes disparues (en réaction aux victimes de Pickton)
- **Ethno cultural issues and challenges** Les enjeux et les défis ethnoculturels
- **Growth in Aboriginal prison populations** La croissance du nombre d'Autochtones en milieu carcéral

PRESERVING THE RULE OF LAW PRÉSERVER LA PRIMAUTÉ DU DROIT

Chief Justice McLachlin has spoken frequently about the financial barriers to justice in Canadian courts. BC has recent experience with the wide-spread dismissals of cases due to the passage of time from charge to trial. Legal aid lawyers have begun withdrawing services. Against those examples, there is a need to discuss how the system ensures the credibility of the rule of law. Topics could include:

La très honorable Beverley McLachlin, juge en chef du Canada, a souvent traité des obstacles financiers à la justice qui se dressent dans les tribunaux canadiens. La Colombie-Britannique a récemment été le théâtre de poursuites rejetées à grande échelle en raison de délais trop longs entre la mise en accusation et le procès. Certains avocats de l'aide juridique ont commencé à refuser leurs services. Dans ce contexte, il faut discuter de comment le système assure la primauté du droit de manière crédible. Sous-thèmes et sujets d'exposés possibles :

- **Workable alternatives to the current legal aid model**
  Des mesures réalisables en remplacement de l'approche actuelle de l'aide juridique
- **The proliferation of specialized courts** La prolifération de tribunaux spécialisés
- **Mandatory minimum sentencing** Les peines minimales obligatoires
- **Alternatives to conventional justice** Les mesures de rechange à la justice conventionnelle
- **Impact of the Charter - unintended consequences?** L'incidence de la Charte – des conséquences imprévues?
- **Demographics and the costs of staff retention**
  Les facteurs démographiques et les coûts de rétention du personnel
- **Dealing with new technology** Apprivoiser les nouvelles technologies

It should be noted that the special needs of youth, aboriginal Canadians and immigrant communities may attract their own focus under each of the sub-themes.

Soulignons que les besoins spéciaux des jeunes, des Autochtones canadiens et des communautés d'immigrants pourraient faire l'objet d'une considération particulière en lien avec chacun des sous-thèmes.

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FORMAT OF PRESENTATIONS MODES DE PRÉSENTATION

Presentations may take the form of a debate, be instructional, be a presentation of research results, innovative projects, institutional projects, etc.

Les propositions de communication peuvent prendre la forme d'un débat, être formatives, présenter des résultats de recherche, des projets novateurs, des milieux, etc.

- **LANGUAGE OF PRESENTATION** LANGUE DE PRÉSENTATION
  Presentations can be made in English, French, or both. Simultaneous translation will be available for certain presentations. Les présentations pourront se faire en anglais, en français ou dans les deux langues. L'interprétation simultanée sera offerte pour certains ateliers.
- **WORKSHOPS & PRESENTATIONS (90 MIN.)** LES ATELIERS (90 MIN.)
  Presentations by several individuals or organizations (two to three) on a given theme. Resource-persons must guide the exchange and discussion with the participants. Présentation par plusieurs personnes ou organismes (deux ou trois), sur un même thème. Les personnes ressources doivent accorder une attention spéciale aux échanges et aux discussions avec les participants.
- **POSTER COMMUNICATIONS** AFFICHES SCIENTIFIQUES
  Research results or practitioner experiences that are best presented with a visual aid. Des résultats de recherche ou des expériences de praticiens pouvant être présentés avec plus d'à-propos au moyen de supports visuels.
- **DOCUMENTARIES OR SHORT FILMS (90 OR 180 MIN.)** DOCUMENTAIRES OU COURTS MÉTRAGES (90 OU 180 MIN.)
  Research teams or organizations wanting to inform, share, or sensitize the public on real-life experiences may use film media. It is recommended that time be reserved for discussion with the participants on the content of the presentation or the project as a whole. Présentation d'organismes ou d'équipes de production désirant informer, sensibiliser ou partager avec le grand public une expérience tirée d'une réalité d'intérêt criminologique ou victimologique. Il est recommandé de prévoir un temps de discussion avec les participants tant sur le contenu de la présentation ainsi que sur le projet dans son ensemble.

HOW TO SUBMIT A PRESENTATION COMMENT SOUMETTRE UNE COMMUNICATION

Your proposal can be submitted by completing the form available for this purpose on the web site of the Canadian Criminal Justice Association at www.ccja-acjp.ca and forwarding it to the Association by

E-MAIL at ccja-acjp@rogers.com, by

FAX at 613-725-3720, or by

MAIL at 320 Parkdale Avenue, Suite 101, Ottawa, Ontario, K1Y 4X9.

The research committee will prioritize presentations for the above topics. If your presentation does not fit in directly with the above topics, the committee will take into account the importance of the subject, the research value, its pertinence and the breadth of the actions proposed in practice.

Vous devez inscrire votre proposition sur le formulaire disponible à cette fin sur le site de l'Association canadienne de justice pénale à l'adresse www.ccja-acjp.ca et le retourner à l'Association par

COURRIEL à ccja-acjp@rogers.com, par

TÉLÉCOPIEUR au 613-725-3720, ou par la

POSTE au 320, avenue Parkdale, bureau 101, Ottawa (Ontario) K1Y 4X9.

Le comité scientifique accordera la priorité aux propositions qui établissent un lien avec le thème du colloque et les sous-thèmes présentés ci-dessus. Advenant que votre présentation ne traite pas directement de l'un de ces sujets, les critères de sélection seront les suivants : l'importance de la problématique, la valeur scientifique du propos ou la pertinence et la portée des actions pour la pratique.

IMPORTANT INSTRUCTIONS AND DATES DIRECTIVES ET DATES IMPORTANTES

All presenters and co-presenters at the Congress must pay registration fees.
Tous les présentateurs et coprésentateurs présents au colloque doivent payer les frais d'inscription.

DEADLINE FOR SUBMISSIONS: NOVEMBER 1ST, 2012
DATE LIMITE DES SOUMISSIONS : LE 1ER NOVEMBRE 2012

NOTIFICATION TO THE PRESENTERS: JANUARY 15TH, 2013
RÉPONSE AUX SOUMISSIONNAIRES : LE 15 JANVIER 2013

FOR MORE INFORMATION ON CONGRESS
POUR PLUS DE RENSEIGNEMENTS :

Canadian Criminal Justice Association:
Association canadienne de justice pénale:

www.ccja-acjp.ca

British Columbia Criminal Justice Association:
Association de justice pénale de la Colombie-Britannique :

www.bccja.ca

LIFELINE FILE

ST.LEONARD'S LIFELINE PROGRAM

BY LYNNE WATT

It is ironic that in a year of celebration of the 50th anniversary of the founding of St. Leonard's Windsor as the first halfway house of its kind in Canada, we have recently learned of the cancellation by the federal government of one of its hallmark programs.

LifeLine® has been in existence for over 20 years, helping lifers in prisons and upon release to maintain hope and to plan for life after prison and successfully reintegrate into community life.

There are approximately 5,000 lifers in Canada, one-third in communities on parole supervision and two-thirds in prison – 22% of the prison population.

Back In the 1980's St. Leonard's was concerned by the growing number of lifers and the challenge of assisting individuals returning to communities after decades behind bars.

The program is based on peer support from lifers who have successfully reintegrated into the community. These inreach workers go back inside to help lifers manage their sentences in a productive manner. The ultimate goal is to increase the probability of successful re-entry into the community. Who better than a successful lifer to give support and direction to other lifers?

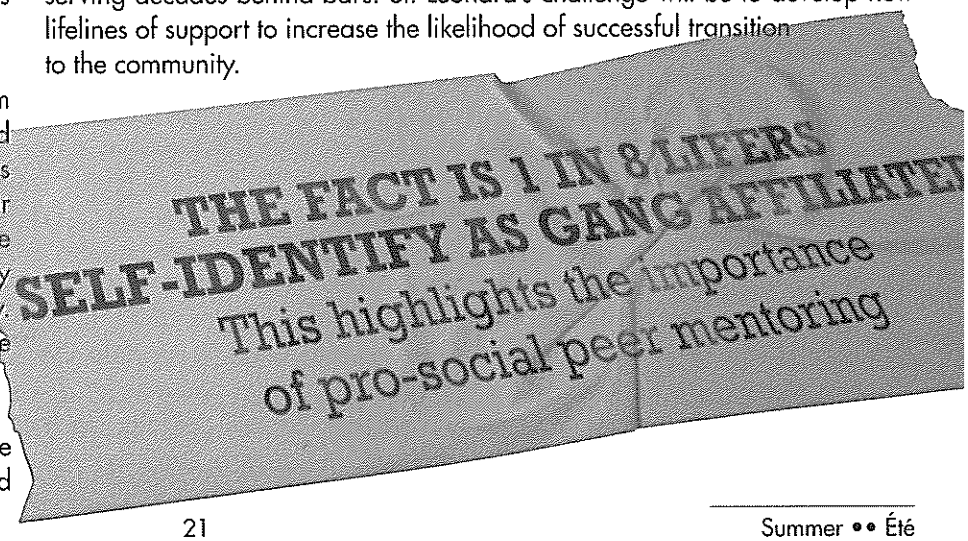
In 1991, St. Leonard's Windsor hired the first paroled lifer to go back inside and work with lifers through their sentence. By 1998 the program had expanded across the country as the core program for life-sentenced offenders. The inreach workers represent successful reintegration. They are visible proof that people can and do change. They are a powerful example to inmate lifers that they too can be successful.

LifeLine® recently celebrated 21 years of providing support and direction to lifers and ensuring their return to communities is safe and successful. The lifers are the most successful offender group on parole.

LifeLine® has been recognized internationally as a best practice for assisting lifers. In the fall of 2011 the Canadian Criminal Justice Association recognized LifeLine®, and in the United States the Colorado Division of Parole started a long-term offender program modelled on our LifeLine® program.

June Callwood once described LifeLine® as "making sweet sense" creating safer communities inside prisons and in the larger community.

The risk to both the prison community and general public will increase when you take away hope and support from individuals serving long sentences behind bars. The majority of lifers will be released to the community after serving decades behind bars. St. Leonard's challenge will be to develop new lifelines of support to increase the likelihood of successful transition to the community.



DOSSIER OPTION-VIE

LA POLITIQUE DU DÉSESPOIR

PAR JOSÉE RIOUX, Présidente, et **PATRICK ALTIMAS**, Directeur général, ASRSQ

Le 11 avril 2012, dans la foulée des coupures budgétaires prévues dans le Budget fédéral, le Service correctionnel du Canada (SCC) annonçait «l'exécution sommaire» du programme reconnu internationalement et récipiendaire de prix d'excellence connu sous le nom Option-Vie. Il en a été très peu question dans les médias et nous croyons que cela mérite l'attention des citoyens.

Le programme Option-Vie est né en 1991 grâce à un partenariat développé entre les autorités correctionnelles fédérales, des organismes non gouvernementaux et des personnes condamnées à perpétuité. Il a été créé suite à une reconnaissance que les personnes ainsi condamnées présentent des besoins très particuliers dès leur admission au pénitencier, durant leur séjour et au moment de réintégrer la société. En date d'avril 2011, le ministère de la Sécurité publique du Canada dénombrait 5136 personnes purgeant des sentences à perpétuité ou indéterminées. De ce nombre, 1 859 vivaient dans la communauté. Cela représentait 22,4% de la population correctionnelle fédérale à cette date.

Le programme fait appel à des intervenants/accompagnateurs qui appuient les efforts des intervenants du Service correctionnel du Canada, tant en établissements que dans la communauté, pour venir en aide aux personnes vivant de longues périodes d'incarcération. Cela a permis de créer de l'espoir pour des gens qui, au début de leur sentence, n'en avaient presque plus. Cela aura permis d'aider ces hommes et femmes à adopter des comportements constructifs durant leur période d'incarcération, de mieux préparer leur sortie et de compter sur des appuis essentiels en communauté pour devenir des citoyens productifs et respectueux des lois. L'«exécution sommaire» de ce programme, reconnu comme innovateur par le SCC sur son site internet, risque fort de créer du désespoir pour les milliers de détenus et libérés, qui, à partir du 31 août 2012, ne pourront plus bénéficier des conseils, du support et de l'encadrement du programme Option-Vie.

Cette décision vient dans la foulée de plusieurs autres décisions et mesures législatives créatrices de désespoir depuis 2006. Rappelons l'abolition de la «clause de dernière chance», laquelle permettait à un condamné à perpétuité de faire réduire sa période d'inadmissibilité à la libération conditionnelle à 15 ans lorsque celle-ci était supérieure à 15 ans; l'abolition de la mesure de mise en liberté expéditive pour les cas de délinquance non violente; la mise en place d'un nombre grandissant de sentences minimales d'emprisonnement et une réduction substantielle du recours à la peine d'emprisonnement avec sursis; l'abolition de la notion de pardon ou de réhabilitation dans la Loi sur le casier judiciaire et son remplacement par la notion de mesure de «suspension du casier judiciaire» (criminel un jour, criminel toujours); les restrictions majeures à l'admissibilité à cette mesure et l'augmentation considérable de la période d'inadmissibilité (de 3 à 5 ans et 5 à 10 ans, selon le cas); la décision d'augmenter de 320% (de 150$ à 631$) les frais de service exigés pour le traitement d'une demande de suspension de casier judiciaire; et il est à prévoir que d'autres décisions ou mesures législatives viendront davantage réduire l'espoir des personnes contrevenantes.

*The views presented in this paper are the author's and are not necessarily those of the CCJA

Ces décisions et orientations législatives sont, selon le gouvernement du Canada, conçues pour répondre aux besoins des victimes et dans l'esprit d'assurer une meilleure protection de la société. Or, elles nous apparaissent davantage comme l'application d'une politique du désespoir qui instrumentalise les victimes et fait fi de la recherche et des données probantes en matière de justice et de programmes correctionnels efficaces. Sur ce dernier point, le bureau du ministre de la Sécurité publique du Canada veut nous faire croire que sa décision d'« exécuter » Option-Vie repose sur la recherche. Depuis quand ce gouvernement se fie-t-il aux données probantes et à la recherche? Rappelons-nous la visite du ministre de la Justice du Québec où ce dernier demandait à son homologue fédéral de lui fournir les recherches sur lesquelles il se basait pour l'élaboration du Projet de loi Omnibus C-10. La réponse fut qu'on ne se fiait pas à la recherche. Une politique du désespoir ne peut pas mener à une sécurité publique accrue, bien au contraire. A-t-on besoin d'illustrer qu'enlever l'espoir aux gens ne mène pas à un désir de s'amender et d'adopter des comportements constructifs, mais relève plutôt du ressentiment, de la hargne et de la vengeance susceptibles de conduire vers des conséquences importantes sur la sécurité publique?

Le programme Option-Vie crée de l'espoir en ne négligeant pas l'encadrement, le développement d'outils et l'accompagnement, dans un cadre sécuritaire, des personnes condamnées à perpétuité. Celles-ci, rappelons-le, seront sous le coup de leur sentence jusqu'à la fin de leur vie. Mieux vaut que ce cheminement se fasse de façon positive et productive, non? Et rappelons aussi qu'une minorité de personnes condamnées à perpétuité ne pourra jamais profiter des services d'Option-Vie dans la communauté, car elles demeureront incarcérées toute leur vie à cause des risques élevés de récidive qu'elles représentent.

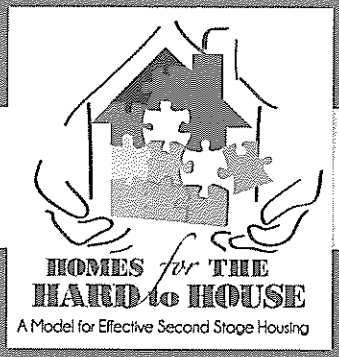
La politique du désespoir, se traduisant par l'augmentation du nombre de personnes incarcérées, de plus longues périodes d'incarcération, des mesures davantage restrictives, la surpopulation envisagée dans nos prisons, l'élimination de la notion de pardon ou de réhabilitation, etc. ne garantit aucunement une meilleure sécurité publique. Le gouvernement crée de faux espoirs en tentant de faire croire que ses politiques sont mises en place dans l'intention de garantir la sécurité du public. Des rues et des communautés sûres et paisibles sont mieux assurées en permettant une réinsertion sociale structurée des personnes judiciarisées qui se retrouveront tôt ou tard dans la communauté.

This article by the Association des services de rehabilitation sociale du Quebec (ASRSQ) was motivated by a perceived lack of media coverage concerning a Correctional Service of Canada announcement about the Option-Vie (LifeLine®) program. The ASRSQ, which offers specialized social services concerned with the rehabilitation of prisoners and offenders in Quebec, considers the loss of Option-Vie (LifeLine®) as an integral element of its notion of a politics of hopelessness and despair, which also encapsulates other recent changes to the Criminal Code of Canada, such as certain elements of the Omnibus Crime Bill C-10. Cutting the Option-Vie (LifeLine®) may trigger hopelessness and despair among participating offenders by removing accustomed advice / support / coaching, and the ASRSQ reminds us that structured reintegration of offenders is key to ensuring safe streets and communities. The ASRSQ maintains that the loss of the Option-Vie (LifeLine®) program will not enhance public safety, but rather increase periods of incarceration, restrictive measures and prison overcrowding, while removing an important support mechanism enjoyed by CSC staff members working with lifers in institutions and the community.

La Société St-Léonard du Canada est heureuse d'annoncer le lancement de son projet le plus récent:

L'HÉBERGEMENT POUR LES DIFFICILES À LOGER :

Un mondèle efficace pour les maisons de seconde étape



St. Leonard's Society of Canada is pleased to announce the launch of our newest project:

HOMES FOR THE 'HARD TO HOUSE'

A Model for Effective Second Stage Housing

Ce projet a été financé par le Secrétariat des partenariats de lutte contre l'itinérance du ministère des Ressources humaines et du Développement des compétences. Il bénéficiera aussi de la participation des membres affiliés de la SSLC. S'appuyant sur un projet antérieur *L'Engagement communautaire : La clé des services correctionnels communautaire à l'intention des personnes souffrant de troubles mentaux*, *L'hébergement pour les « difficiles à loger »* permettra de créer un modèle instructif fondé sur la recherche qui sera diffusé afin de répondre aux besoins grandissants des ex-délinquants itinérants partout au Canada.

This project has been funded by Human Resources and Skills Development Canada's Homelessness Partnering Secretariat. It will also benefit from the participation of SLSC Affiliates. Building on an earlier project, *Community Connections: The Key to Community Corrections for Offenders with Mental Health Disorders*, this project will create a research based educational model tha will be disseminated to help meet the growing need of addressing the homelessness of ex-offenders across Canada.

CE QUE NOUS ALLONS FAIRE

- Création d'un modèle instructif pouvant servir à orienter les programmes d'hébergement transitoire
- Évaluation des difficultés, des possibilités et des stratégies liées à l'offre d'hébergement transitoire à la clientèle des ERC
- Accroissement des connaissances sur le risque que présente l'itinérance pour les ex-délinquants
- Accroissement des connaissances sur les besoins en matière d'hébergement et de soutien des ex-délinquants
- Renforcement de la capacité du personnel des programmes résidentiels (maisons de transition) à répondre aux besoins en matière d'hébergement et de soutien de leur clientèle, particulièrement les personnes ayant des troubles mentaux
- Maintien de la sécurité des collectivités en préconisant des mesures de réinsertion efficaces et humaines pour les délinquants ayant des troubles mentaux – en tenant compte de leurs droits et de leurs besoins particuliers

COMMENT ALLONS-NOUS FAIRE?

- Sondage auprès d'établissements résidentiels communautaires (ERC) pour examiner les questions concernant les besoins en matière d'hébergement de leur clientèle
- Études régionales sur les organisations ayant entrepris des programmes d'hébergement transitoire avec des ex-délinquants
- Discussions structurées avec un comité consultatif national afin d'éclairer et d'orienter les recherches approfondies
- Promotion de la création d'un réseau au moyen d'un forum dans un centre urbain (deuxième phase)

RÉSULTATS

- Élaboration d'un modèle instructif permettant d'aider les fournisseurs de service à offrir de l'hébergement transitoire aux ex-délinquants résidant dans les ERC
- Contribution à une stratégie multidisciplinaire sur la santé mentale dans la collectivité

WHAT WE ARE GOING TO DO

- Create an educational model that can be used to guide second stage housing programs
- Assess the challenges, opportunities, & strategies in providing second stage housing to clients of Community-based Residential Facilities (CBRFs)
- Increase knowledge around the risk of homelessness for ex-offenders
- Increase knowledge around the housing and support needs of ex-offenders
- Enhance capacity for staff in residential programs (halfway houses) to meet the housing & support needs of their clients, especially those with mental health problems
- Ensure safer communities by promoting effective & humane reintegration measures for offenders with mental health issues – being mindful of human rights & particular needs

HOW WE ARE GOING TO DO IT

- Survey of Community-based Residential Facilities (CBRFs) intended to research issues surrounding the housing needs of their clients
- Regional studies centered on organizations that have undertaken second stage housing programs for ex-offenders
- Facilitate structured discussions with a National Advisory Committee to provide insight and direction for investigative research
- Encourage network building through a forum at an urban centre (second phase)

OUTCOME

- Develop an educational model that can assist service providers in delivering effective second stage housing support for ex-offenders leaving CBRFs
- Contribute towards a multidisciplinary community mental health strategy

INFORMATION Pour de plus amples renseignements sur le projet *L'hébergement pour les « difficiles à loger »*, pour remplir le sondage en ligne ou pour *participer à une visite des lieux*, veuillez communiquer avec le bureau central de la SSLC, à Ottawa, au 613-233-5170 ou à research@on.aibn.com.

INFORMATION For more information about the *Homes for the 'Hard to House'* project, or t participate in our online survey or to *volunteer for a site visit* please contact the SLSC Ottaw head office at: Tel: (613) 233-5170 Email: research@on.aibn.com

ST. LEONARD'S SOCIETETY OF CANADA - SOCIÉTÉ ST-LÉONARD DU CANADA
208-211 Bronson Avenue Ottawa, ON K1R 6H5 | T: 613-233-5170 F: 613-233-5122 Email: slsc@on.aibn.com

THE STUDENT SPACE
L'ESPACE ÉTUDIANT

A STUDENT'S PERSPECTIVE ON BILL C-10:
THE AMERICANIZATION OF CANADIAN CORRECTIONS

BY NICOLE MACINNIS
Bachelor of Arts Honours in Sociology, 4th year — Mount Royal University, Calgary, AB

PART 1

Do recent policy changes to Canada's correctional system signal the Americanization of Canada's correctional system? Do parallels between Canada's new legislative policies and the current and past policies from which the USA is trying to dig its way out from under demonstrate potentially devastating consequences for the Canadian public? An examination of this through the lens of current and past research and a look at the failure of similar policies in the United States of America suggests that, in its current form, this new legislation may well be problematic. These new laws are to be implemented progressively; for example, amendments to the drug act will come into effect October 23, 2012 (Department of Justice, 2012). In the long run this will not change the problems Canada could encounter; it will only serve to delay them. A close examination of Bill C-10: *the Safe Streets and Communities Act,* helps deconstruct some of the problems that the Canadian criminal justice system may soon be facing.

BILL C-10

In September 2011, the Conservative Government of Canada rolled all their top priority 2008 legislation into a controversial omnibus crime bill and promised to introduce this new legislation to Parliament within 100 days of becoming a majority government. The bill was passed by the Senate on March 12, 2012, and, on March 13, 2012, the Government of Canada followed through on election promises as the bill was granted Royal Assent.

PUNISHMENT AS DETERRENT

To understand the thought process behind this type of legislation, one must recognize that the history of corrections is long, and brutal. Beginning with capital and corporal punishment, it has evolved through the age of the penitentiary into the rehabilitative system it is meant to be today. Throughout history, people have tried to explain criminal behaviour and deter it with harsh punishment. Such beliefs and ideas continue around the world today. This type of response would seem logical to most people: commit an act of crime and receive the corresponding consequence.

The idea that a consequence can deter crime was first theorized by famous sociologist Émile Durkheim, who believed that this type of response to crime was necessary and would ultimately deter others from committing crimes and therefore maintain social order (Clinard, 1964). From this functionalist view of crime, a certain amount of crime is considered necessary and beneficial to society. From this perspective, carrying out the consequences of crime publicly was the key aspect as it was thought that such displays would act as a public deterrent to crime.

According to Durkheim, societies are held together by shared values and economic independence. Many believe that society would collapse in on itself if such values were not reinforced (Ritzer, 1992). Durkheim argued that some people would look out for themselves before looking out for society. What

**The views presented in this paper are the author's and are not necessarily those of the CCJA*

stops people from doing this is the law and one's sense of self-control (Ritzer, 1992). Durkheim suggested that periods of social strain or sudden change can greatly diminish the influence of the collective conscience. If the influence of the collective conscious collapsed, Durkheim theorized, society would fall into anomie (a state of normlessness), and people would start putting their own interests over society's (Clinard, 1964). Therefore, it was necessary for the state to punish those who acted against society as a deterrent for others.

It is noteworthy that Durkheim was writing during a period of sudden change. Society was in the middle of industrialization and urbanization, which evoked fear (Ritzer, 1992). It is not difficult to draw a parallel between the rapid change experienced during industrialization and that of the multiple worldwide recessions we are facing in 2012.

A FOCUS ON REHABILITATION

It was not until 100 years ago that societies started to slowly move in the direction of rehabilitation. Once industrialization stabilized somewhat, and the use of capital punishment, and torture had eased, society began to look at alternative ways of dealing with crime. The government first introduced prisons in order to house and isolate people awaiting punishment (Griffiths, 2010). As ideology evolved, crime came to be seen as bigger than the individual. It was thought that people could be transformed into law-abiding citizens. Rehabilitation became the focus of Canadian corrections, with an emphasis on getting people the programs they needed to be reintegrated into society and ultimately become productive members of society. Of late, there has been an ideological shift within the Canadian justice system from a rehabilitative model back to this 'tough on crime' stance engrained in the functionalist perspective introduced by Durkheim. Some have called this a more 'Americanized approach' to corrections, sending us back to a period of punishment without rehabilitation.

For the purposes of this paper it is important to understand that the "Americanization of Canadian corrections" refers to a 'tough on crime' stance that emerged in the United States throughout the 1960's and 1970's to take a strong hold in the 1980s with the introduction of mandatory minimums, and the war on drugs. This ideology has continued into present-day USA with devastating consequences. This ideology is starting to dwindle, even in the most conservative states, as cost-benefit is reviewed.

Bill C-10 is arguably one of the most controversial bills passed by parliament in the last ten years. Once the legislation was passed, the law became the *Safe Streets and Communities Act*. To be enacted gradually, it will make significant changes to the way Canada deals with offenders. Most notably it shifts the focus from the *rehabilitation* of offenders to the *punishment* of offenders. The Government has argued that this is for the 'protection of society' (Bill C-10, p.5). This bill will make five key changes to existing law: new sex offences aimed at sexual predators, introduction of mandatory minimums for drug offences, amendments to youth crime policy, limiting the use of conditional sentences, and the elimination of pardons for sex offenders (Bill C-10, 2012).

A SHIFT FROM CORRECTIONS TO RETRIBUTION...

At first glance it might seem as though one of the purposes of this legislation is to protect children from predators, but it would appear that it does little to protect children; rather, this bill contains a number of changes to the criminal code that signal a shift from 'corrections' to a retributive system. This bill increases penalties for drug crime, legislating mandatory minimum sentences for "serious drug offenses" (Bill C-10, 2012). The government has also introduced tougher-on-young-offender legislation aimed at 'protecting the public from young violent offenders'. The legislation states that the primary objective of the amendment is to protect society from violent young people, and mandates that the crown consider adult sentences for all violent crime committed by youths (Bill C-10, 2012).

Alarmingly, the legislation also lifts publication bans on youth names, thereby endangering rehabilitation potential, and risks labelling youth into their adult years (Bill C-10, 2012), long after they have paid their debt to society. Third, the bill disallows the use of conditional sentences for property crime and 'other serious and violent crimes' (Bill C-10 2012, p.59). This bill has amended the conditional sentences legislation to

restrict use of conditional sentences for manslaughter, arson, sexual assault, drug trafficking, and also crimes against property (Bill C-10, 2012). In other words, under this act a youth who tosses a rock at someone's window is placed in the same category as a youth who sets a person's garage on fire, or who pushes drugs.

Bill C-10 proposes a range of mandatory minimum sentences for drug, sexual, and violent offences, resulting in longer sentences and more offenders in prisons and jails across this country. People now face longer and tougher penalties for drugs, including the doubling of sentences for production of drugs for trafficking purposes. The legislation also introduces stiffer sentences for the sexual victimization of children, including the creation of two new sentences. It has eliminated the use of conditional sentences for property, and violent, crimes. We have seen the elimination of pardons for violent crime, as well as a lengthening of the waiting period when applying for a 'record suspension.' It aims to protect the public against 'out-of-control youth.' It gives police and correctional staff more power to deal with offenders and those on parole. Finally, it sets out vague immigration laws that will change how people apply for, and are denied, Canadian work permits.

While there are numerous criticisms of the new crime legislation that the Canadian Government has recently passed, three in particular give the impression that the Canadian justice system is in the process of Americanization: Mandatory minimums, elimination of conditional sentencing, and the impact on youth.

MANDATORY MINIMUMS IMPOSED...

Mandatory minimum sentencing was introduced in the United States in 1986 following the death of Len Bias — a twenty-two year old draft pick for the Boston Celtics — by drug overdose (Frontline, 2012). Due to political and public hysteria, people demanded a drug bill that would prevent 'needless' deaths, and they wanted it immediately. The public wanted the violence and death to end, and politicians wanted to show they were acting on the concerns of the public (Frontline, 2012). As a result, certain laws were designed without consultation with federal judges, police, criminologists, or any other person with recognized expertise. The result seems thus to be random decision making that resulted in ten-year mandatory minimums and routine sentences of fifteen, twenty, and thirty years without parole (Frontline, 2012). The rationale for this system was to "incapacitate organized crime, to keep drugs out of the hands of our children, and reduce drug use" (Sterling, 2012).

There was never any evidence that any of this could be accomplished, and it was a massive failure; there was no impact on organized crime, as the system often ended up imprisoning only the 'gardeners'; there was no difference in the amount of drugs ending up in the hands of children. As a result of the increased risk from mandatory minimum sentencing, the price of drugs went up, increasing the profits for high-level dealers (Sterling, 2012).

In present day USA, the result is 15,000 drug cases a year, most are minor but all are subject to mandatory minimum sentences, even though only about 10% involve high-level traffickers (Frontline, 2012). The USA now faces a number of unintended consequences from mandatory minimums. First, the courts were unprepared for such cases, which resulted in major backlogs, an overpopulated prison system (by 38%), prison budgets spikes that have threatened to bankrupt multiples states (such as California, already facing over-crowding) (Sterling, 2012). In fact, as a result of the overcrowding situation, the Supreme Court ruled in 2011 that California release approximately 30,000 prisoners to ease the problem (New York Times, 2011).

Mandatory minimum sentencing also damaged the integrity of the justice department. For example, negotiation was immediately off the table since the accused would automatically have to serve a mandatory sentence, even with a plea bargain (Sterling, 2012). As a result, perjury increased significantly as people tried desperately to avoid charges that would result in long prison terms; instead, in exchange for all charges being dropped, people would offer up names of bigger fish. Sometimes, however, it turned out those 'bigger fish' were in fact innocent. Threats, and the murder of innocent witnesses and bystanders became an 'epidemic' and non-drug legal matters were pushed out of the strained court systems as a result (Sterling, 2012).

To try and curb the damage done by mandatory minimums, 16 USA states have now passed legislation allowing for the medical use of cannabis, 14 states have taken some steps to decriminalize possession of cannabis, and in November of 2008 Massachusetts adopted a statewide decriminalization law by a margin of 65% to 35% in favour of decriminalizing marijuana (Sterling, 2012). In addition, the governor of California signed a law that would change possession of cannabis from a mandatory jail sentence to an infraction punishable by a $100 fine (Sterling, 2012).

U.S. MANDATORY MINIMUMS CONSIDERED A TRAGEDY...

From 1979 to 1989, Eric Sterling was Counsel to the U.S. House Committee on the Judiciary and a key participant in the passing of mandatory minimum sentencing laws in the United States. Sterling told Frontline "the work that I was involved in in enacting mandatory minimum sentences is probably the greatest tragedy of my professional life... families are wrecked, children are orphaned, and taxpayers are paying a fortune for excessive punishment." (2012).

In a letter dated February 29, 2012, Mr. Sterling attempted to warn the government of Canada of the grave mistake they could be making with Bill C-10. He stated that Canada should carefully consider the consequences endured by the USA and be prepared for 'exploding court costs' and 'resource strapped' national (and provincial) governments (Sterling, 2012). Sterling warns that the legislation exceeded cost estimates by fifty-eight times the original estimates of $55.2 million over five years. Current costs are $3.2 billion per year (Sterling, 2012). Currently, the Conservative Government of Canada expects its costs to be $78 million over five years, but has acknowledged that this does not include the cost of building and maintaining prisons, which could easily be in the billions (Fitzpatrick, 2011). The parliamentary budget officer, however, disagrees with these statements, estimating that costs will exceed $3 billion in the next five years (Fitzpatrick, 2012).

Once all of this new legislation is introduced, Canada will have over 60 mandatory minimum sentences (more than double) due to the *Safe Streets and Communities Act* (Bill C-10, 2012). Many advocates argue that such sentences will bring consistency to sentencing, appease the public concern about crime and punishment, prevent crime, and deter crime (Roche, 1999). Research, however, has continuously disproved this claim. Punishment does not deter crime because the concept of deterrence assumes that people rationally weigh the costs and benefits of committing crime, while research shows that crime is impulsive (Roche, 1999).

A FEW CONS OF MANDATORY MINIMUM SENTENCING TECHNIQUES...

Those who are against mandatory minimum sentences have several reasons for advocating against such sentencing techniques. First, mandatory minimum sentencing is expensive. As noted above, the United States spends 58 times more on mandatory minimum sentences than original estimates: $55 million versus $3.2 billion. The crime legislation in Canada recently passed by the government of Canada , including the estimated costs of the omnibus bill, and previously passed legislation, i.e., *The Truth In Sentencing Act*, is set to cost an estimated $2.7 billion (CBC, 2012).

Secondly, mandatory minimum sentences do not eliminate discretion within the system, they simply displace it. If discretion is left in the hands of judges, their role is to maintain fairness and consistency by taking into account the particulars of each case. The research shows that discretionary powers are being taken away from judges in favour of prosecutors (Roche 1999; Tonry, 1991). This means that a prosecutor decides how a defendant will be charged, and thus what sentence they will receive. This is highly problematic as it places too much power in the hands of a prosecutor who, unlike a judge, does not have to justify his or her decision to the public. In addition, when a judge makes a sentencing decision, he or she must write a public report explaining their sentence. A prosecutor does not have this safeguard, which leaves the process open to potential bias.

Additionally, proponents argue that mandatory minimums will result in consistency of sentencing, but in certain cases that is impossible. As demonstrated in the USA, offenders will receive the same sentences for very different crimes (Roche, 1999). Under the new legislation, for example, someone who grows five cannabis plants will receive the same sentence as someone who grows 200 plants (Bill C-10, 2012), which seems to betray the ideal of consistency.

Further, mandatory minimums have the potential to backlog the court system because they eliminate plea bargaining, i.e., negotiating for a lighter sentence. In Canada, 90% of cases are plea bargained out of the courts (Goeff, 2011). However, if a person is facing a minimum sentence they are less likely to plea bargain as they are still subject to the minimum sentence, and are therefore will be more likely to opt to go to court. If we take all these issues together we can see that Canada will eventually have a larger prison population, which leads to constructing more prisons, which costs more money. Ultimately, mandatory minimum sentencing risks costing the Canadian taxpayer millions, if not billions, of dollars over the next five to ten years.

ELIMINATION OF CONDITIONAL SENTENCES FOR CERTAIN OFFENCES...

All the same problems associated with mandatory minimum sentencing may also be seen in the elimination of conditional sentences in Canada for certain offences: manslaughter, arson,

drug trafficking, kidnapping, fraud, theft, property crime, and 'other serious offenses' (Bill C-10, 2012). While it may make sense to remove conditional sentences for violent crime, the concern is about the elimination of conditional sentences for fraud, theft, and property crime. These changes could cost the system millions of dollars each year. It is important to keep in mind that most property crime does not involve threats or violence to the victim. In effect, property crime is sometimes as simple as a youth throwing a rock through a neighbour's window. Kevin Page, Canada's Parliamentary Budget Officer, has estimated that the elimination of conditional sentences would cost the taxpayer an extra $145 million per year in court costs and housing costs for offenders (Fitzpatrick, 2012).

After all, someone serving a conditional sentence in the community under house arrest costs the system approximately $10 per day, while housing that same person in a facility costs an estimated $162 per day (Fitzpatrick, 2012). Page told CBC news that with the elimination of conditional sentences for white collar crimes we will see court costs increase significantly as people decide to go to trial instead of plead out (Fitzpatrick, 2012). As with mandatory minimum sentencing, discussed above, people are likely to not plead guilty and go to trial in the hopes of an acquittal if they know a conditional sentence is out of the question. This will undoubtedly cause greater backlogs, and create more unnecessary court costs, in a system that is already beyond capacity.

Finally, if the number of people incarcerated raises, so will the need for parole hearings. Page estimates that it costs $4,289 each time the National Parole Board of Canada performs a review (CBC, 2012). In other words, costing the system more money, which seems unnecessary in cases where community service or restitution may be not only a suitable sentence, but perhaps even preferable. For example, should we spend $4, 289 on a parole hearing for someone who damaged $1000 in property?

THE AMERICANIZATION OF CANADIAN CORRECTIONS?

Canadian society has seemingly started to move towards an Americanized policy in regards to deterring crime. The problem? Years of studies show that this kind of reaction to crime neither deters people from committing crime nor results in reduced drug-related or violent crime. This new legislation mandates seemingly unnecessary sentencing techniques that will result in more prisoners in Canadian prisons and higher costs to taxpayers. Part Two of this article will examine how this new legislation could have a potentially devastating effect on the youth of this country, and how over-legislation may have disastrous consequences for Canada.

STAY TUNED FOR PART II OF THIS ARTICLE IN THE NEXT JUSTICE REPORT!

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DE-ESCALATING POTENTIALLY VIOLENT SITUATIONS™

Yellowknife: October 11, 2012
Saskatoon: October 23, 2012
Regina: October 26, 2012
Vancouver: October 26, 2012
Victoria: October 30, 2012
Charlottetown: October 31, 2012
Halifax: November 2, 2012
St. John's: November 6, 2012 & April 19, 2013
Corner Brook: November 9, 2012
Thunder Bay: November 19, 2012
Ottawa: November 19, 2012
London: November 22, 2012
Toronto: November 23, 2012
Fort McMurray: November 27, 2012
Edmonton: November 28, 2012 & January 29, 2013
Whitehorse: November 28, 2012
Calgary: November 29, 2012 & May 21, 2013
Windsor: December 3, 2012
Winnipeg: December 18, 2012 & June 12, 2013
Nanaimo: March 15, 2013
Kamloops: March 15, 2013
Hamilton: March 26, 2013
Prince George: March 28, 2013
Sudbury: April 2, 2013
Grande Prairie: May 28, 2013
Moncton: May 29, 2013

This workshop is designed to teach people to de-escalate potentially violent situations through assertiveness and interpersonal communication. The training will explore how anger and violence interplay, including opportunities for self- assessment of personal styles.

VIOLENCE THREAT ASSESSMENT
- Planning and Response

Fredericton: October 29, 2012
Winnipeg: March 14, 2013
Edmonton: March 25, 2013
Calgary: March 27, 2013
Halifax: April 9, 2013
Saskatoon April 17, 2013
Regina: April 24, 2013
Mississauga: May 14, 2013
Victoria: May 15, 2013
Ottawa: May 15, 2013
Vancouver: May 22, 2013

This workshop provides a communication and decision-making model to help businesses, schools, organizations and communities become more effective in their management of threats. Participants will learn strategies to help them identify, assess and manage individuals who may be escalating towards violence.

RESTORATIVE JUSTICE
- Guiding Principles for Communities and Organizations

Saskatoon: October 24, 2012
Halifax: November 1, 2012
Edmonton: November 29, 2012 & May 24, 2013
Whtehorse November 29, 2012
Calgary: November 30, 2012 & May 22, 2013
Winnipeg: December 13, 2012 & May 22, 2013
Mississauga: March 6, 2013
Moncton: May 28, 2013

This workshop provides a framework for incorporating restorative justice principles into your environment. The timeless philosophy of restorative justice invites people to look beyond a merely punitive view of justice and discipline, and instead emphasizes direct accountability, reparation, prevention, dialogue and, in some cases, renewed relationship.

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Edmonton: January 29-31, 2013
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PROCHAINS ÉVÉNEMENTS

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RESTORATIVE JUSTICE WEEK 2012
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THEME •• THÈME:

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Correctional Service of Canada website
www.csc-scc.gc.ca/text/rj/rj2012/index-eng.shtml

Site web du Service Correctionnel Canada
http://www.csc-scc.gc.ca/text/rj/rj2012/index-fra.shtml

2012 - 2013

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Consultez le site http://www.aqpv.ca
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15 - 17 MAI 2013

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Le 7e congrès international francophone sur l'agression sexuelle se déroulera à Québec.

La date limite pour soumettre une proposition de communication est le 12 octobre 2012.

THÈME: *L'agression sexuelle : Unicité, plualité, complexité*

PLACE: Loews Hôtel Concorde

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Recognizing that the criminal justice system must serve the needs of all people, the Canadian Criminal Justice Association is an umbrella organization representing all elements of the criminal justice system, **including the public.** It exists to promote rational, informed, and responsible debate in order to contribute to the development of a more humane, equitable, and effective justice system.

Association canadienne de justice pénale

Reconnaissant que le système de justice pénale doit être centré sur la personne et répondre à ses besoins, l'Association canadienne de justice pénale se veut un organisme qui chapeaute toutes les composantes du système de justice pénale, **y compris le grand public.** Elle vise à promouvoir une réflexion éclairée et responsable afin de contribuer au développement d'un système de justice plus humain, équitable et efficace.